THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 4068 of 2007

Date: 19.04.2007

Between:

K.L.N.Raju

....Petitioner

And

The Regional Transport Officer and another.

....Respondents

ORDER:

The petitioner is the owner of a vehicle bearing No.AP 03-V-6049. It was insured with the second respondent. The petitioner alleges that the vehicle was stolen on 11.10.2004 by some unknown persons at the point of knife and F.I.R.No.166 of 2004 was registered in P.S. V.Palem of Chittoor District. The petitioner presented a claim before the second respondent for payment of the insurance amount. The latter is said to have addressed a letter enclosing Form Nos.29 and 30 and R.C. Book to the first respondent with a request to change the ownership in their favour. The first respondent, in turn, refused to accede to the request on certain grounds. The grievance of the petitioner is that no action has been taken by the respondents so far in the matter of payment of insurance amount.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport for the first respondent.

Though the second respondent is served with notice, he has not chosen to enter appearance.

The change of ownership of the vehicle cannot be done at this stage for more reasons than one. Unless the vehicle is produced, the registering authority cannot effect transfer of ownership. The allegation of the theft of vehicle on the one hand and production thereof for change of ownership on the other, are

contradiction in terms.

If the claim of the petitioner against the second respondent is otherwise tenable, it cannot be withheld on the ground that the ownership is not transferred. The effort of the second respondent seems to be that in case the vehicle is recovered, they should be treated as the owners inasmuch as the insurance amount is paid. This aspect of the matter can be taken care of by directing that as and when the vehicle is traced, the petitioner shall not have any rights over it, if he is paid the insurance amount.

Hence, the writ petition is disposed of, directing the second respondent to process the claim of the petitioner within a period of two months from the date of receipt of a copy of this order without insisting on transfer of ownership and by directing that the petitioner shall cooperate with the second respondent for change of ownership as and when the vehicle is traced, in case the insurance amount is paid. There shall be no order as to costs.

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19.04.2007

kdl